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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/730,767

12/08/2003

Shingo Kiuchi

9333-361

3437

74989

7590

07/20/2009

ALPINE/BHGL

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EXAMINER

WOZNIAK, JAMES S

ART UNIT

PAPER NUMBER

2626

MAIL DATE

DELIVERY MODE

07/20/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHINGO KIUCHI and NOZOMU SAITO

Appeal 2009-011913
Application 10/730,767
Technology Center 2600

Mailed: July 20, 2009

Before DALE M. SHAW, *Chief Appeals Administrator.*

SHAW, *Chief Appeals Administrator.*

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 16, 2009. A Docketing Notice was mailed and Appeal 2009-011913 was assigned on July 07, 2009. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on June 19, 2009. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 C.F.R. § 41.43(a)(1) and *the Manual of Patent Examining Procedure* (MPEP) § 1208, part II.

CONCLUSION

Accordingly, it is ORDERED that the application be returned to the Examiner:

- 1) to consider the Reply Brief filed June 19, 2009, as indicated above;
and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/hh

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